

8.0 Consultation and Coordination

8.1 Summary of Outreach During the Draft EIS Process

This chapter summarizes outreach activities within the Draft Environmental Impact Statement (EIS) process. The function of the Project Advisory Committee (PAC), an overview of public meetings, and other elements of the Coordination Plan for Agency and Public Involvement are described.

8.1.1 Summary of the Scoping Process

In order to inform the preparation of this Draft EIS, a Scoping process was used to identify the range of alternatives and impacts and significant issues to be addressed in the EIS, consistent with federal (40 CFR 1501.7 and 23 CFR 771.123(b)) and state (Minnesota Rules, section 4410.2100) requirements. For the Federal Highway Administration (FHWA), Scoping is normally achieved through public and agency involvement procedures outlined in 40 CFR 1501.7, including:

- **Identifying agencies with special interest or expertise and requesting their participation in the process as cooperating agencies:** The US Environmental Protection Agency (USEPA) and the US Army Corps of Engineers (USACE) have been identified as cooperating agencies for this project. Section 8.3.1 describes the cooperating agencies' involvement.
- **Identifying other agencies or stakeholders that may be substantially affected by the proposed action/alternatives and soliciting their views regarding the range of alternatives and impacts and significant issues to be addressed in the EIS:** This included involvement of participating agencies (see Section 8.3.1), environmental agencies (see Section 8.3.3), tribal coordination (see Section 8.3.3.3), and convening a Project Advisory Committee (PAC) for the project (see Section 8.2.1).
- **Determining the scope and significant issues to be analyzed in the EIS:** Consistent with Minnesota environmental review requirements, a Scoping Document (SD)/Draft Scoping Decision Document (SDD) was prepared, and as part of this process the relative importance of social, economic, and environmental issues were assessed using data review and agency and stakeholder involvement. An environmental agency workshop was also held to gather input on resource management issues (see description in Section 8.3.3.1). Details of the issues identification process can be found in the SD/Draft SDD (February 2012).¹
- **Coordinating the preparation of the EIS with cooperating agencies:** As described in the Coordination Plan for Agency and Public Involvement, the role of the cooperating agencies is to identify issues of concern regarding potential project impacts and provide meaningful input on the components of and analysis conducted for the EIS.
- **Identifying if there were other environmental assessments or EISs being prepared that were related to but not part of the scope of the US 53 project:** None were identified.
- **Coordinating other environmental review and consultation requirements to be prepared concurrently and integrated with the EIS:** The Minnesota Department of Transportation (MnDOT), FHWA, USEPA, and USACE have agreed to follow guidance that merges decision-making under NEPA and Section 404 of the Clean Water Act (see Section 8.3.2). Other permits and approvals potentially required for the project were identified in the SD/Draft SDD (February 2012) and updated as necessary in the Draft EIS (see Section 8.3.4).
- **Preparing a schedule of key coordination/decision points and agency responsibilities for completing the EIS process:** A detailed schedule of project milestones, coordination activities, and concurrence points is provided in the Coordination Plan for Agency and Public Involvement.

¹ Available at <http://www.dot.state.mn.us/d1/projects/hwy53relocation/scoping.html>

- **Public involvement/public hearing opportunities, including early and continued involvement and holding one or more public hearings:** This included a public meeting early in the project development process (see Section 8.1.3.1), a Scoping public hearing (see Section 8.1.3.2), additional public meetings during an amended Scoping process (see Sections 8.1.3.3 and 8.1.3.4), as well as on-going “Coffee and Conversation” meetings (see Section 8.1.3.5).

These agency/public involvement activities were used during Scoping to provide information and obtain input from the various project stakeholders regarding:

- **Project Purpose and Need:** The Purpose and Need statement in Chapter 1: Purpose and Need of this Draft EIS was developed during the Scoping process, including stakeholder input. See Sections 8.1.3 and 8.2 for information on public meetings and agency coordination.
- **The range of alternatives being considered:** The initial Scoping of alternatives in 2012-2013 is described in Section 2.1 of this Draft EIS, and the 2013 amended Scoping process is described in Section 2.2 of this Draft EIS. The development of alternatives and input on impacts and decision-making reflected input provided by project stakeholders (see Sections 8.1.3 and 8.2).
- **Anticipated social, economic, and environmental impacts of the alternatives and anticipated relative significance of issues to be addressed in the EIS:** Input from cooperating agencies, other environmental regulatory agencies, and participating agencies was used to identify anticipated impacts and relative severity/importance to guide the issues to be addressed and the level of detail of analysis in the EIS. See Sections 8.1.3 and 8.2 for information on public meetings and agency coordination.

The initial findings of the Scoping process were summarized in the February 2012 SD/Draft SDD which was distributed for public and agency review, consistent with Minnesota environmental review requirements, including holding the Scoping public hearing (March 2012). The comments received and responses to the comments are included in the September 2012 Final SDD, available on the project website.² None of the 2012 public/agency comments required substantive changes to the initial Scoping findings/decisions.

An initial assessment of Draft EIS alternatives was conducted, leading to re-Scoping of alternatives considered previously in an amended Scoping process (described in Section 2.2 of this Draft EIS), and ultimately resulting in one additional alternative being recommended for study in the Draft EIS. This process is documented in the September 2013 Amended SDD, available on the project website.³

8.1.2 Agency and Public Coordination Plan

The purpose of the Coordination Plan for Agency and Public Involvement is to facilitate and document FHWA and MnDOT’s coordination with local government units, regulating agencies, and the public. The plan is also intended to inform these agencies and the public of how coordination will be accomplished throughout the project development process. The plan will be updated periodically during project development, as needed.

8.1.3 Public Meetings

8.1.3.1 Public Information Meeting (March 2011)

A public information meeting was held on March 22, 2011, at the Community Center in Gilbert, Minnesota, from 2:30 to 7:00 p.m. A brief presentation was given at 3:00, 4:15, 5:30, and 6:30 p.m. Approximately 145 people signed in during the meeting.

The focus of this meeting was to provide information on the study purpose, review the study process, highlight initial findings and environmental issues, and collect comments and feedback from the public. A brief summary of comments received at the meeting are provided below:

² <http://www.dot.state.mn.us/d1/projects/hwy53relocation/scoping.html>

³ <http://www.dot.state.mn.us/d1/projects/hwy53relocation/scoping.html>

- Limited support for the West Corridor alternatives for the following reasons:
 - Long reroute of traffic
 - Detrimental impacts to local business and access
 - Concern that removal of US 53 would disconnect the Quad Cities, where shared services such as emergency response and school district programming would encounter difficulties
- Questions regarding feasibility of keeping US 53 on the current alignment
- Concern about mine operations and future mining impact, including:
 - Potential for similar conflict between US 53 and mining operations in the future
 - Concerns about mining impacts on personal properties
- Access to 2nd Avenue as a key corridor to downtown Virginia
- City of Virginia drinking water supply from the Rouchleau Pit and potential water quality concerns about mining operations
- Connectivity of US 53 and MN 135

8.1.3.2 Scoping Document Public Hearing (March 2012)

A Scoping public hearing was held on March 27, 2012, at the Mountain Iron Community Center. The hearing was held from 4:00 to 8:00 p.m. with a presentation and opportunity for public questions and comments at 6:00 p.m. Approximately 75 people signed in for the hearing. Twenty-four comments were received at this meeting and were considered in finalizing the Scoping Decision Document. Seventeen comments were from the general public, three were from businesses, and four were from government agencies.

8.1.3.3 Public Open House (November 2012)

A public open house meeting was held on November 15, 2012, at the Mountain Iron Community Center. The open house was held from 4:00 to 7:00 p.m. with MnDOT and project staff to answer questions one-on-one with attendees. Approximately 220 people signed in for the meeting. Thirty-two written comments were received at this meeting and were considered in preparation of the Draft EIS.

The purpose of this meeting was to provide an update on the alternative details that had been developed as part of the on-going evaluation. Notifications for this meeting included newspaper notices (see Section 8.1.5 below), an announcement at the Virginia City Council meeting, information posted on the City of Virginia's cable channel, flyers distributed in the Manney Shopper, and flyers dropped off at local convenience stores along 2nd Avenue in Virginia. Information was also distributed to the PAC two weeks prior to the open house.

8.1.3.4 Public Information Meeting (April 2013)

A public information meeting was held on April 22, 2013, at the Mountain Iron Community Center. The meeting was held in open house format from 4:00 to 7:00 p.m. with MnDOT and project staff to answer questions one-on-one with attendees. Approximately 230 people signed in during the meeting.

The focus of this meeting was to provide information on the need for additional alternatives to be evaluated (specifically a western alternative), review the revised schedule and study process, and collect comments and feedback from the public. The topics discussed included alternatives, the Scoping and EIS process, the project timeline, and general project cost concerns. Comments received at the meeting were similar to those previously provided, with a strong focus on reasons why the western alternative should remain dropped from further consideration.

8.1.3.5 Coffee and Conversation Meetings

MnDOT has been holding Coffee and Conversation meetings (initially held biweekly, now monthly) at the MnDOT Virginia office since May 2013 to provide brief updates on the project and to allow for questions and answers from the public. The time and location of each meeting is announced on the MnDOT project website and at the preceding meeting. The Coffee and Conversation meetings are ongoing and will continue indefinitely as long as they are attended. Many of these meetings are taped and replayed on local Public Access Community Television (PACT). Examples of the meeting discussions include:

- Addressing some of the concerns about Alternative M-1, the possibility of filling the Rouchleau Pit, and the general National Environmental Policy Act (NEPA) process and schedule for the project
- Providing updates on recent activities and the status of the economic study
- Addressing the issues that were being evaluated in the economic study, such as travel time calculations, vehicular user costs, emergency service and school bus costs, utilities coordination, and overall economic analysis
- Presenting the results of the traffic analysis, stating that a four-lane configuration would likely be selected but that the traffic report is under review by FHWA
- Presenting and discussing the E-1A alignment with the caveat that further engineering and geotechnical analysis is required before the alternative can be thoroughly vetted

After it was determined that Alternative W-1A would not be carried forward into the Draft EIS, participation in these meetings dropped off and the frequency of the meetings was revised to monthly rather than biweekly.

8.1.3.6 Economic Study Meetings

Meetings related to the economic study included a kickoff meeting on June 19, 2013, at the Mountain Iron Community Center and three business-specific economic study meetings for particular business groups on June 18, June 19, and June 20, 2013, at the Virginia Elks Club. The kickoff meeting outlined the scope, tasks, process, and schedule of the economic study and to discuss the objectives of the business group meetings. The input gained from these meetings has been documented in the Highway 53 Relocation Economic Impact Study (McComb Group and SEH, 2014). Results from the report were presented at the November 2013 Coffee and Conversation meeting.

8.1.4 Project Web Site

A project webpage has been established as an additional means of distributing information about the project and is found at the following address: www.dot.state.mn.us/d1/projects/hwy53relocation. Information has also been provided to the Laurentian Chamber of Commerce for its website.

8.1.5 Notifications

Notifications of public meetings are being published in the Mesabi Daily News and the Timberjay newspapers, both printed and distributed in Virginia and surrounding communities. Project status updates are being communicated to the general public by use of an automated email notification system made available to interested parties through the project web site.

8.2 Local Agency Coordination/Committees

Coordination with local agencies and community members was important in identifying concerns, issues, and potential solutions. The PAC, convened by MnDOT specific to this project, served as the primary organization of community members for input and coordination. Outreach with other community organizations, such as the Laurentian Vision Partnership (LVP), was conducted on an as-requested basis with MnDOT representatives, providing information when requested. MnDOT also coordinated with

various other agencies within Minnesota such as the local Minnesota Department of Natural Resources (DNR) Lands and Minerals Office and the Minnesota Pollution Control Agency (MPCA).

8.2.1 Project Advisory Committee (PAC)

The PAC represents local government units, regional agencies, and other community organizations and associations. This committee reviews and provides comments on the overall study. Invitations to participate on the PAC were extended to:

- City of Virginia
- City of Eveleth
- City of Gilbert
- City of Mountain Iron
- St. Louis County
- Clinton Township
- Iron Range Resources Rehabilitation Board
- Laurentian Chamber of Commerce
- Cliffs Natural Resources (UTAC)
- RGGS
- Minnesota Department of Natural Resources
- Minnesota Pollution Control Agency
- Federal Highway Administration
- Eveleth-Gilbert School District
- Virginia School District
- Eveleth Merchants Association
- Iron Range Tourism Bureau

PAC meetings were held in February 2011, June 2011, February 2012, November 2012, April 2013, June 2013, September 2013, and July 2014.

Relevant project information, including the process and alternatives discussions, were covered during each of the PAC meetings. PAC members provided input to the project team (MnDOT and its consultants) regarding concerns within the alternatives and the project corridor. The PAC meetings kept the public and agency personnel informed of the status of the project and provided an opportunity for stakeholder input.

8.3 State and Federal Agency Coordination and Approvals

8.3.1 Cooperating and Participating Agencies

Section 1305 of Moving Ahead for Progress in the 21st Century (MAP-21) requires the lead agencies to establish a plan for coordinating public and agency involvement during the environmental review process. Applicable federal, state, regional, and local agencies were invited to be involved in the EIS process by becoming a cooperating or participating agency via an invitation letter issued February 12, 2011, and

September 26, 2011, respectively. The Cities of Gilbert, Mountain Iron, Virginia, and Eveleth, as well as the DNR accepted (in writing) the invitation to be participating agencies.⁴

The following agencies were invited by FHWA, and have formally accepted, to be cooperating agencies⁵ for this project:

- USACE
- USEPA

Cooperating agencies provide input related to relevant areas of expertise during the Scoping process and development of the EIS. These agencies also receive relevant technical studies and drafts of the Scoping Document and Scoping Decision Document, as well as the Draft and Final EISs.

8.3.2 NEPA/Section 404 Merger Concurrence Point Process

In a process parallel to the cooperating agency approach described above, MnDOT, FHWA, USEPA, and USACE have also agreed to follow guidance that merges decision-making under NEPA and Section 404 of the Clean Water Act. The NEPA/Section 404 merger process recognizes that both NEPA and Section 404 review processes involve the evaluation of project purpose and need, the development of alternatives, the assessment of impacts, and the balancing/mitigation of impacts of a preferred alternative. The USACE, USEPA, and other involved agencies recognize the need to avoid duplication of these processes and to document progress.

The Section 404 merger process is structured around four concurrence points with the NEPA process to establish progress on the above-noted steps. The four concurrence points are: 1) Purpose and Need, 2) alternatives to be carried forward into the Draft EIS for detailed study, 3) preferred alternative, and 4) mitigation of impacts.⁶

- **Development of Purpose and Need (Concurrence Point #1):** The Purpose and Need for the US 53 project was initially presented to interested environmental agencies at the June 29, 2011, agency workshop and in follow-up document reviews. Feedback from the workshop and following agency discussions was used to refine the Purpose and Need. FHWA and MnDOT requested specific input during the 30-day public review and comment period following publication of the SD/Draft SDD. USEPA and USACE gave their concurrence on Purpose and Need prior to publication of the Scoping Document (see **Appendix C**).
- **Identification of the range of Scoping alternatives (Concurrence Point #2):** The initial range of Scoping alternatives was presented at the June 29, 2011, agency workshop. Feedback from the workshop and following agency discussions was used to refine the alternatives for presentation in the Scoping Document. FHWA and MnDOT requested specific input on the range of alternatives during the 30-day public review and comment period following publication of the SD/Draft SDD. The NEPA/Section 404 merger process concurrence point #2 occurred in the summer of 2012, during preparation of the Final SDD (see **Appendix C**). A cooperating agency update meeting was held to review the four alternatives that were identified through the Scoping process and additional alternatives evaluated in the amended Scoping process that would be evaluated during development of the Draft EIS. Thus, concurrence was updated as part of the Amended SDD (September 2013) with USEPA and USACE providing concurrence of the amended alternatives in September and October 2013 (see **Appendix C**).
- **Identification of the preferred alternative and the level of design detail (Concurrence Point #3):** MnDOT has identified its preferred alternative and developed the rationale for selecting it. During the

⁴ Participating agencies are federal and non-federal governmental agencies that may have an interest in the project because of their jurisdictional authority, special expertise, and/or statewide interest. These participating agencies are formally invited to participate in the environmental review of the project.

⁵ A cooperating agency means any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative.

⁶ More on the NEPA/Section 404 merger process may be found at: <http://environment.fhwa.dot.gov/projdev/tdmnepa404.asp>

official 45-day comment period on the Draft EIS, MnDOT and FHWA will request specific input from the cooperating agencies on the preferred alternative. Comments received on the Draft EIS will be shared with the participating agencies. The NEPA/Section 404 merger process concurrence point #3 will document agreement on the preferred alternative.

- **Completion of the Final EIS (Concurrence Point #4):** The Final EIS and Record of Decision will document public and agency comments. The cooperating agencies, as part of the NEPA/Section 404 merger process concurrence point #4, will be requested to document agreement on measures to mitigate impacts due to the US 53 project.

Written concurrence from both cooperating agencies has been received on the first two concurrence points (Purpose and Need – 2011/early 2012; alternatives to be carried forward – summer of 2012/updated fall of 2013). Concurrence on the preferred alternative will be requested following the Draft EIS public comment and response period.

8.3.3 Other Agency Coordination

8.3.3.1 Environmental Agency Workshops

Certain project issues warrant input on a specialized basis. The study team held a workshop on June 29, 2011, for environmental agencies in the study area. This workshop was primarily a forum for interested agencies to review project Purpose and Need, provide input about resource management issues in the area, learn about and provide input regarding project alternatives development, and review project decision timeframes.

A second environmental agency workshop was held on October 25, 2012. This workshop was used to update agencies on development of the Draft EIS, including alternatives refinement, preliminary findings from environmental studies, and key issues for completion of the Draft EIS.

Ongoing coordination, as needed, has taken place with the USEPA and MPCA regarding air quality, the USACE regarding wetlands, the DNR regarding minerals and the Iron Range Off-Highway Vehicle Recreation Area (OHVRA), and the Quad Cities regarding economics, environmental justice, schools, emergency response providers, and other social and cultural issues.

8.3.3.2 Section 106 Consultation

The Section 106 process⁷ consists of:

- Steps for identifying and evaluating historic properties
- Assessing the effects of a proposed project on historic properties
- Consultation for methods to avoid, minimize, or mitigate adverse effects

The goal of the Section 106 process is to avoid adverse effects to historic properties. Where avoidance cannot be accomplished, measures to mitigate adverse effects are undertaken. Adverse effects occur when the project results in changes to the property, its setting, or its use that affect the National Register of Historic Places (NRHP) characteristics of the property in a manner that diminishes the integrity of its location, design, setting, materials, workmanship, feeling, or association.

Local governments are entitled to participate in the Section 106 process as consulting parties, along with the Minnesota State Historic Preservation Office (SHPO), Native American tribes, and other interested organizations and individuals. Consulting parties are able to share their views, receive and review pertinent information, offer ideas, and consider possible solutions together with FHWA and other parties. Consulting parties play an important role in determining how potential effects on historic properties will be avoided or mitigated during the planning and implementation of a project. In the summer of 2011, letters were sent by the MnDOT Cultural Resources Unit (MnDOT CRU), on behalf of FHWA, extending invitations to each city in the corridor to participate in the Section 106 review process as a consulting

⁷ Section 106 of the National Historic Preservation Act of 1966

party. Each city accepted and identified a contact person for the Section 106 process. If necessary, methods for avoidance, minimization, or mitigation of impacts to historic properties (any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the NRHP) would be developed with the three coordinating agencies under the Section 106 consultation process (FHWA, MnDOT CRU, and SHPO).

MnDOT CRU is the FHWA designee for the Section 106 process. The Section 106 process looked at the identified buildings, structures, and known archaeological sites within the project's area of potential effect (APE) that merit consideration as historic properties (one property determined eligible), and evaluated locations where the proposed project could have an adverse effect on historic properties. No impacts to historic properties have been identified as a result of this project. SHPO concurred with MnDOT CRU's findings of no adverse effect for Alternatives M-1 and E-2 and the finding of no historic properties affected for Alternative E-1A, which concludes the Section 106 consultation process. See [Appendix C](#) for SHPO concurrence.

8.3.3.3 Tribal Consultation

MnDOT CRU, on behalf of FHWA, sent coordination letters to Native American tribes that may have an interest in the US 53 project. The letter requested that tribes identify any historic, cultural, archaeological, or other concerns regarding the project and invited them to the upcoming public hearing for the Scoping Document. It also invited tribes to let FHWA know if they would prefer to schedule a separate meeting to discuss any specific tribal issues and concerns.

One response, from the Bois Forte Band of Ojibwe, was received in January 2011 ([Appendix C](#)). No requests for separate meetings were made.

8.3.4 Permits and Approvals

Permits and approvals that may be required for the proposed project are listed in [Table 8.3-1](#).

Table 8.3-1. Agency Permits and Approvals

Agency	Permit/Approval
Federal	
Federal Highway Administration	EIS Approval EIS Record of Decision Section 4(f) Determinations Section 106 Tribal Coordination Section 106 Cultural Resources Determinations Section 7 of the Endangered Species Act Determination
US Army Corps of Engineers	Section 404 Permit (fill in US Waters)
State	
Minnesota Department of Transportation	Scoping Decision Document EIS Approval EIS Adequacy Determination Wetland Conservation Act (WCA) Approvals
Minnesota Department of Natural Resources	Water Appropriation Permit, if needed
Minnesota Pollution Control Agency	National Pollution Discharge Elimination System (NPDES) Construction Stormwater Permit Section 401 Water Quality Certification
State Historic Preservation Office	Section 106 Consultation
Local	
City of Virginia	Municipal approval of roadway plans

8.4 Draft EIS Review Process

As part of the federal environmental review (NEPA) process, the Draft EIS will be circulated for a required 45-day review and comment period. The Draft EIS was developed to comply with applicable state and federal regulations and acts as a public disclosure document by presenting the anticipated environmental consequences of each alternative with the possible reasonable and feasible mitigation measures. During the 45-day period, the document will be made available to interested and concerned parties including residents, property owners, community groups, the business community, elected officials, and public agencies. During this comment period, a public hearing will be held. The purpose of the hearing is to provide interested parties with information regarding project impacts of the alternatives studied in the Draft EIS and provide an opportunity to formally submit comments on the Draft EIS analysis. Specifically, MnDOT is looking for public comments on potential impact areas or other areas of concern not covered in the Draft EIS and additional information that could help refine the analysis.

The anticipated schedule for this process is as follows (subject to revision):

- Draft EIS published with a 45-day comment period – December 2014
- Draft EIS comment review, project refinement, and Final EIS preparation – spring 2015
- Final EIS/Record of Decision – fall 2015